

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Secretary of State

Rule No. Chapter 820-1-1

Rule Title: Organization of the Office of the Secretary of State and Construction of the Rules.

_____ New ☒ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer J. H. Merrill REC'D & FILED

Date July 20, 2015 JUL 20 2015

Office of the Secretary of State
Administrative Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State.

RULE NO. & TITLE: Chapter 820-1-1 Organization of the Office of the Secretary of State and Construction of the Rules.

INTENDED ACTION: Amend existing rules.

SUBSTANCE OF PROPOSED ACTION: These proposed amendments to the rules are necessary to clarify the organization and structure of the Office of the Secretary of State.

TIME, PLACE, MANNER OF PRESENTING VIEWS:


Views may be presented orally or in writing and should be addressed to William Sutton, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103; 334-242-4337.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 4, 2015.

CONTACT PERSON AT AGENCY:

William Sutton, Office of the Secretary of State, State Capitol, 600 Dexter Avenue, Suite E-205, Montgomery, Alabama 36104; 334-242-4337.



John H. Merrill
Secretary of State

AMENDED

STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE
ADMINISTRATION DIVISION
ADMINISTRATIVE CODE

CHAPTER 820-1-1
ORGANIZATION OF THE OFFICE OF THE SECRETARY OF STATE AND
CONSTRUCTION OF THE RULES

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820-1-1-.02	<u>Construction of Rules.</u>

820-1-1-.01	<u>Organization.</u>
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(1) The Office of the Secretary of State is established by the Constitution of the State of Alabama (Art. V, §112, Ala. Constitution of 1901) and performs a wide variety of constitutional and statutory duties (Code of Ala. 1975, §§36-14-1 et seq.).

(2) Requests for information may be submitted to the Office of the Secretary of State via several methods:

(a) By mail: Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103.

(b) By hand delivery: Office of the Secretary of State, 600 Dexter Avenue, Suite S-105, Montgomery, Alabama 36130.

(c) By telephone: (334) 242-7200.

(d) By internet: <http://www.sos.alabama.gov>

(3) Organization. The Secretary of State has the authority and latitude to organize the office in a manner the Secretary of State deems appropriate for accomplishing these duties. The following depicts the organization serving under the Secretary of State's direction:

(a) The Secretary of State may appoint two assistants and two exempt employees as follows:

1. A Confidential Assistant to the Secretary of State pursuant to Code of Ala. 1975, §36-26-10(c)(1).

2. An Executive Assistant to the Secretary of State pursuant to Code of Ala. 1975, §36-14-16.

3. Two additional exempt employees pursuant to Code of Ala. 1975, §36-26-10(b)(10).

(b) Divisions operating under the direction of the Secretary of State include the following:

1. Executive Division.
2. Business Services Division.
3. Government Support Division.
4. Authentications/Lands and Trademarks Division.
5. Elections Division.
6. Finance Division.
7. Information Systems Division.

Authors: Charles E. Grainger, Jr.; William Sutton; Jean Brown.

Statutory Authority: Code of Ala. 1975, §§41-22-4, 36-26-10, 36-14-16.

History: New Rule: Filed January 10, 2001; effective February 14, 2001.

820-1-1-.02 Construction Of Rules.

(1) As of the date of the initial adoption of this rule, the Secretary of State finds it appropriate to relocate certain rules formerly located in Division 820-X of the Secretary of State's Administrative Code. The new Administrative Code is structured into multiple divisions for the purpose of arranging together rules of similar

subject matter. The subsequent creation of additional Divisions, Chapters and Rules does not require an amendment of this Rule, as this Rule is provided only to explain the restructuring of this Administrative Code on the date of the initial adoption of this rule.

(2) The Administrative Code for the Office of the Secretary of State may be referenced as: "820 -- The Office of the Secretary of State."

Authors: Charles E. Grainger, Jr.; William Sutton; Jean Brown.

Statutory Authority: Code of Ala. 1975, §41-22-4.

History: New Rule: Filed January 10, 2001; effective February 14, 2001. **Amended:** Filed June 5, 2009; effective July 10, 2009.

AMENDED

STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE
ADMINISTRATION DIVISION
ADMINISTRATIVE CODE

CHAPTER 820-1-1
ORGANIZATION OF THE OFFICE OF THE SECRETARY OF STATE AND
CONSTRUCTION OF THE RULES

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820-1-1-.01	<u>Organization.</u>
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(a) ~~Mailing address~~ By mail: Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103.

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(3) Organization. The Secretary of State has the authority and latitude to organize ~~his or her~~ the office in a manner the Secretary of State deems appropriate for ~~the purpose of~~ accomplishing these duties. The following depicts the organization serving under the Secretary of

State's direction:

(a) The Secretary of State may appoint two assistants ~~who may perform supervisory or other duties as directed and~~ two exempt employees as follows:

1. A Confidential Assistant to the Secretary of State pursuant to Code of Ala. 1975, §36-26-10(c)(1).

2. An Executive Assistant to the Secretary of State pursuant to Code of Ala. 1975, §36-14-16.

3. Two additional exempt employees pursuant to Code of Ala. 1975, §36-26-10(b)(10).

(b) Divisions operating under the direction of the Secretary of State include the following:

1. ~~Corporations Division~~ Executive Division.

2. Business Services Division.

3. ~~UCC Division~~ Government Support Division.

4. Authentications/Lands and Trademarks Division.

5. ~~Public Information Division~~ Elections Division.

6. Finance/~~Personnel~~ Division.

7. Information Systems Division.

8. ~~Legal Division.~~

Authors: Charles E. Grainger, Jr.; William Sutton; Jean Brown; David Brewer.

Statutory Authority: Code of Ala. 1975, §§41-22-4, 36-26-10, 36-14-16.

History: New Rule: Filed January 10, 2001; effective February 14, 2001.

820-1-1-.02 Construction Of Rules.

(1) As of the date of the initial adoption of this

rule, the Secretary of State finds it appropriate to relocate certain rules formerly located in Division 820-X of the Secretary of State's Administrative Code. The new Administrative Code is structured into multiple divisions for the purpose of arranging together rules of similar subject matter. ~~The description of the Administrative Code, its Divisions, Chapters and Rules set forth below reflect are accurate as of the date of the initial adoption of this rule unless otherwise stated.~~ The subsequent creation of additional Divisions, Chapters and Rules does not require an amendment of this Rule, as this Rule is provided only to explain the restructuring of this Administrative Code on the date of the initial adoption of this rule.

(2) The Administrative Code for the Office of the Secretary of State may be referenced as:

(a) "820 -- The Office of the Secretary of State."

~~(3) Immediately preceding the adoption of this rule, the only Division for this Administrative Code was:~~

~~(a) "820-X -- State of Alabama Office of the Secretary of State Uniform Commercial Code Division."~~

~~(b) The Divisions created contemporaneously with this rule include:~~

~~820-1 Administration.
820-2 Elections.
820-3 Business Entities.
820-4 Security Interests.
820-6 Civil Law Notaries.~~

~~(4) The following table shows the relocation of the remaining chapters of the Administrative Code which was accomplished without substantive change and only contain modifications which reflect the renumbering/reorganization required by the relocation:~~

Previously Located in Division 820X-	New Location
Chapters 820-X-2 through 820-X-7 and "Appendix A" which all pertained to farm products filings.	Chapter 820-4-2 (Farm Products).

Chapter 820-X-8 (National Voter Registration Act of 1993).—	Chapter 820-2-2 (Voter Registration).
Chapter 820-X-10 (Procedures for Accountability of Challenged Absentee Ballots).	Chapter 820-2-3 (Absentee Voting).
Chapter 820-X-11 (Procedures for the Submission and Verification of Petitions).	Chapter 820-2-4 (Ballot Access for Political Parties and Independent Candidates).
Chapter 820-X-12 (Alabama Civil Law Notaries).—	Division 820-6 (Civil-Law Notaries).

Authors: Charles E. Grainger, Jr.; William Sutton; Jean Brown.

Statutory Authority: Code of Ala. 1975, §41-22-4.

History: New Rule: Filed January 10, 2001; effective February 14, 2001. **Amended:** Filed June 5, 2009; effective July 10, 2009.